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PART II — Chapter II of San Francisco Municipal Code

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ARTICLE 1
GENERAL ZONING REGULATIONS

Sec. 1. Definitions.

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SEC. 1. Definitions. For the purpose of Sections 1 to 14, inclusive, of this Article and Section 100 of Article 4 of this Chapter certain terms herein used are herewith defined, all words used in the present tense shall include the future; all words in the singular number shall include the plural number; the word "lot" includes "plot", and the word "building" includes "structure".

(a) Accessory. The word "accessory" means a subordinate building or portion of a main building whose use is incidental to that of the main building;

(b) Apartment. The word "apartment" means a room or suite of two (2) or more rooms in a tenement house, occupied or suitable for occupation as a residence for one (1) family doing its own cooking on the premises. One (1) person may be construed to be a family;

(c) Building. The word "building" means a structure for the support, shelter or enclosure of persons, animals or chattels, and when separated by division walls of masonry from the ground up, and without openings, then each portion of such building shall be deemed a separate building;

(d) Business or Commerce. The words "business" and "commerce" mean the occupation or employment of buying, bartering, selling and exchanging goods, wares and merchandise or other personal property or real property, or any interests therein for profit or livelihood, and also the ownership or management of office buildings, offices and recreational or amusement enterprises;

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(e) **District.** The word "district" means an entire city block, any part hereof or two (2) or more contiguous blocks;

(f) **Dwelling.** The word "dwelling" means any house or building or portion thereof which is occupied in whole or in part as the home, residence or sleeping place, either permanent or transient, of one (1) or more human beings;

(g) **Hotel.** The word "hotel" means a building or part thereof, designed or used for supplying shelter and food to residents, and containing more than fifteen (15) guest rooms;

(h) **Industry.** The word "industry" when used in Sections 1 to 14, inclusive, of this Article means the storage, repair, manufacture, preparation or treatment of any article, substance or commodity whatsoever and including the operation of garage and stables;

(i) **Lot.** The word "lot" shall mean land bounded by definite lines and occupied or to be occupied by a building or its accessory buildings, together with the land, yards, courts and area spaces used in connection with such buildings;

(j) **Story.** The word "story" means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it;

(k) **Street Line.** The term "street line" means the boundary line between street and abutting property;

(l) **Use.** The word "use" means the purpose for which a building is or may be occupied.

SEC. 2. Use Districts. For the purpose of regulating and establishing the location of trades and industries, businesses, dwellings and the location of buildings designed for specific uses, the City and County of San Francisco is hereby divided into six (6) classes of districts: (1) First Residential District, (2) Second Residential District, (3) Commercial District, (4) Light Industrial District, (5) Heavy Industrial District, (6) Unrestricted District, as shown on the use of property zone maps, Sections 1 to 14, inclusive, which accompany the original enactment and are hereby declared to be part hereof.

Property Zone Maps Nos. 5A and 6A are hereby substituted for Property Zone Maps Nos. 5 and 6, and said maps 5A and 6A shall hereafter be deemed to show the respective specific uses of property embraced within the respective areas shown on said maps.

The use districts designated on Zone Maps 1 to 4, 5A, 6A and 7 to 14, inclusive, are hereby established. The use of property zone map designations which accompany said use of property zone maps are hereby declared to be part hereof. No building or premises shall be erected or used for any purpose other than a purpose permitted in the use district in which such building or premises are located.

SEC. 3. First Residential District. In a First Residential District no building or premises shall be used and no building shall be constructed or altered which is arranged, intended or designed to be used for any purpose other than for:

(a) Single family dwelling;

(b) Public or parochial school; non-profit elementary or secondary school attendance at which satisfies the requirements of the compulsory education laws of the State of California;

(c) Church;

(d) Community club house;

(e) Truck gardening, horticulture, where no building is involved;

(f) The usual accessories located on the same lot with these various buildings not involving the conduct of a business, but including the office of a musician, physician or dentist or other person authorized by law to practice medicine when situated in the same dwelling used by such person as his or her place of residence; and a garage or group of garages containing space for passenger automobiles for the use of tenants in the main building on the premises;

(g) A dwelling designed for and intended to be used for two (2) families providing that at least five thousand (5,000) square feet open area shall remain upon the lot upon which such structure is erected.

(h) The Central Permit Bureau, subject to the approval of the Chief Administrative Officer, the City Planning Commission, the Fire Commission, the Director of Public Health and the Bureau of Building Inspection, may issue a permit for the erection within a First Residential District of temporary buildings and uses incidental to a construction operation on the same or adjoining premises, or for a rental or sales office

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incidental to a new residential development, provided that such rental or sales office shall be located within the development in a temporary building, and shall not include the conduct of a general real estate business. Any permit issued pursuant to the provisions of this subdivision shall be limited to a period of not to exceed two years. Upon expiration of any such permit, renewal thereof may be effected by proceedings de novo pursuant to the provisions of this subdivision.

SEC. 4. Second Residential District. In a Second Residential District no building or premises shall be used and no building shall be constructed or altered which is arranged, designed or intended to be used for any purpose other than the purposes specified in Section 3 of this Article and those of a:

(a) Tenement house or apartment house;

(b) Flat;

(c) Boarding or lodging house;

(d) Hotel;

(e) Library;

(f) Police Station;

(g) Fire Station;

(h) Health Institutions; Home for the Aged and Nursing Homes; for the accommodation of not to exceed eight (8) inmates; Day Nursery or Nursery School, provided, however, that no sign, advertising matter or other device of any character shall be displayed on any portion of the exterior of such building or premises which will give any outward indication of the character of its occupancy.

SEC. 5. Commercial District. In a Commercial District no building or premises shall be used and no building shall be constructed or altered, which is arranged, intended or designed to be used for any of the following specified trades, industries and uses:

(a) Automobile repair shop, unless conducted in connection with a public garage and as part thereof;

(b) Bakeries employing more than five (5) persons;

(c) Blacksmith or horseshoeing establishments;

(d) Bottling works;

(e) Carting, express or hauling yard or storage yard other than for fuel;

(f) Warehouse and storage houses;

(g) Marble, granite, stone or monumental works;

(h) Contractors' plant or storage yard;

(i) Cooperage;

(j) Laundry;

(k) Lumber yard;

(l) Uses excluded from the Light Industrial District;

(m) Any kind of manufacturing other than manufacturing clearly incidental to a retail business conducted on the premises or light manufacturing conducted on any floor above the ground floor of a building;

(n) Provided, further, however, there may be maintained in a Commercial District the following:

1. Printing shops and the business of publishing a newspaper;

2. Light industries clearly incidental to the operation of an amusement park;

3. Electric sub-stations and telephone exchanges;

4. Public garages and gasoline service stations may be conducted in a Commercial District only under permits granted by the Fire Department;

5. Establishments for hand ironing only and not employing more than five (5) employees;

6. Automatic Laundries, as defined in Section 360 of the Health Code.

No uses permitted by Sections 3 and 4 of this Article shall be excluded from the Commercial District.

The restrictions herein provided shall be subject to the provisions of Section 9 of this Article in so far as existing non-conforming uses are concerned.

SEC. 6. Light Industrial District. All uses permitted in a Commercial District shall be permitted in a Light Industrial District. In a Light Industrial District no building or premises shall be used and no building shall be constructed or altered which is intended or designed to be used for any of the following specified trades, industries or uses:

1. Acetylene gas manufacture;

2. Ammonia, chlorine or bleach powder manufacture;

3. Asphalt manufacture or refining;

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4. Blast furnace;
 5. Boiler works;
 6. Brick, tile or terra cotta manufacture;
 7. Celluloid manufacture or treatment;
 8. Creosote treatment or manufacture;
 9. Coke ovens;
 10. Dyestuff manufacture;
 11. Gas manufacture;
 12. Gunpowder manufacture or storage;
 13. Lampblack manufacture;
 14. Lime, cement or plaster of paris manufacture;
 15. Petroleum refining;
 16. Potash refining;
 17. Rolling mill;
 18. Ship yard;
 19. Smelting of iron;
 20. Stockyards;
 21. Storage or baling of scrap, paper, rags or junk;
 22. Sulphuric, nitric or hydrochloric acid manufacture;
 23. Tar distillation or manufacture;
 24. Tar roofing or tar waterproofing manufacture;
 25. Wool pulling and scouring;
 26. Yeast plant;
 27. Those uses which constitute a nuisance or which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise;
 28. All uses excluded from Heavy Industrial Districts except single dwellings, flats and tenement houses.
- Iron, steel or brass foundries operating closed furnaces may be conducted in this district upon permit from the Board of Supervisors, but not otherwise.

SEC. 7. Heavy Industrial District. In a Heavy Industrial District no building or premises shall be used and no building shall be constructed or altered which is arranged, intended or designed to be used for any of the following specified trades, industries or uses:

- (a) Single dwelling, flat or tenement house;
- (b) Abattoir;
- (c) Candle factory;
- (d) Distillation of coal, bones or wood;
- (e) Fat rendering;
- (f) Fertilizer manufacture;
- (g) Glue, size or gelatin manufacture;
- (h) Incineration or reduction of garbage, offal, dead animals or refuse;
- (i) Tallow, grease or lard manufacture.

Provided, the erection and maintenance of dwelling quarters in connection with any industrial establishment for the family of a watchman may be allowed.

SEC. 8. Unrestricted District. In the Unrestricted District no use restrictions are placed on any of the property except as are imposed by law or municipal ordinance.

SEC. 9. Non-Conforming Building and Uses. Any non-conforming use (existing on the 26th day of September, 1921, may be continued) and any existing building designed, arranged, intended or devoted to a non-conforming use may be reconstructed or structurally altered and the non-conforming use therein changed subject to the following regulations:

(a) The cost of reconstruction or structural alteration of such a building shall in no case exceed fifty (50%) per cent of its assessed value, nor shall the building be enlarged unless the use thereof is changed to a conforming use;

(b) No non-conforming use shall be enlarged at the expense of a conforming use;

(c) In a Residence District no building or premises devoted to a use permitted in a Commercial District shall be changed into a use excluded from the Commercial District;

(d) In a Residence or Commercial District no building or premises devoted to a use permitted in a Light Industrial District shall be changed into a use excluded from a Light Industrial District;

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(e) In a Residence, Commercial or Light Industrial District no existing building or premises devoted to a use excluded from the Light Industrial District shall be structurally altered if its use shall have been changed since the 26th day of September, 1921, to another use also excluded from a Light Industrial District. A change of use for the purpose of this subsection shall be deemed to include any change from a use included in an enumerated subdivision of Section 6 to a use included in another enumerated subdivision of Section 6;

(f) In a Residence, Commercial or Light Industrial District no building or premises devoted to a use excluded from a Light Industrial District shall have its use changed to another use which is also excluded from a Light Industrial District if the building shall have been structurally altered since the 26th day of September, 1921. A change of use for the purpose of this subsection shall be deemed to include any change from a use included in an enumerated subdivision of Section 6 to a use included in another enumerated subdivision of Section 6.

SEC. 10. Change in District Boundaries. If any area hereafter transferred to another district by a change in district boundaries by an amendment, the provisions of Sections 1 to 14, inclusive, of this Article and Section 100 of Article 4 of this Chapter, in regard to the premises or building existing on the 26th day of September, 1921, shall apply to buildings or premises at the time of passage of such amendment in such transferred area.

SEC. 11. Unlawful Use—Certificate of Occupancy. It shall be unlawful to use or permit the use of any building or premises except as exempted hereinafter in this section or part thereof hereafter constructed, erected, changed or converted wholly or in part in its use or structure until a Certificate of Occupancy to the effect that the building or premises or the part thereof so constructed, erected, changed or converted and the proposed use thereof conform to the provisions of Sections 1 to 14, inclusive, of this Article and Section 100 of Article 4 of this Chapter, shall have been issued by the Central Permit Bureau.

In the case of such buildings or premises it shall be the duty of the Central Permit Bureau to issue a Certificate of Occupancy within ten (10) days after a request for the same shall be filed in the office of the Central Permit Bureau by any owner of a building or premises or any part thereof so constructed, erected, changed or converted, and the proposed use thereof conforms with all the requirements herein set forth.

A newly constructed frame one or two family dwelling shall be exempted from necessity for issuance of Certificate of Occupancy provided its application for building permit clearly shows that it is to be used as a one or two family dwelling. Alterations, changes or reconstruction of such dwellings shall, however, be governed by all provisions of this section.

A temporary Certificate of Occupancy for a part of a building may be issued by the Central Permit Bureau. Upon written request from the owner, the Central Permit Bureau shall issue a Certificate of Occupancy for any building or premises existing on the 26th day of September, 1921, certifying after inspection the use of the building or premises and whether such use conforms to the provisions of Sections 1 to 14, inclusive, of Article 1 of this Chapter.

SEC. 12. District Boundaries. District boundaries are, unless otherwise indicated, street lines, but where two (2) or more district designations are shown within a block two hundred (200) feet or less in width, the boundary of a less restricted district shall be deemed one hundred (100) feet back from its street lines. Where two (2) or more district designations are shown within a block more than two hundred (200) feet in width the bounding line shall be deemed one hundred thirty-seven and one-half (137½) feet back from the street line of the less restricted district, or shall be the rear lot line of the lots fronting on the less restricted district, provided, however, in no event shall the boundary line extend further back than one hundred thirty-seven and one-half (137½) feet from the street line of the less restricted district. Where uncertainty exists as to the exact boundary line, the line shall be determined by the City Planning Commission upon written application and a record thereof kept in the office of that Commission.

SEC. 13. Completion of Proposed Buildings and Restoration of Building Wholly or Partly Destroyed. Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued, provided, however, the work of construction must be commenced under such permit within ninety (90) days after the 26th day of Sep-

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tember, 1921, and must be diligently prosecuted until the completion of the building for which such permit has been granted. Nothing in Sections 1 to 14, inclusive, of Article 1 of this Chapter shall prevent the restoration of a building wholly or partly destroyed by fire, earthquake, explosion, act of God or act of a public enemy, or prevent the continuance of the use of such building or part thereof as such use existed at the time of such destruction of such building or part thereof, or prevent a change of such existing use under the limitations provided in Section 9 of this Article. Nothing in Sections 1 to 14, inclusive, of Article 1 of this Chapter shall prevent the restoration of a wall declared unsafe by the Department of Public Works.

SEC. 14. Use of Property Zone Maps. The official and original copy of the use of property zone maps shall be kept in the office of the Clerk of the Board of Supervisors. Certified copies thereof shall be deposited with the City Planning Commission and with the Department of Public Works; also one (1) such copy shall be filed for record in the Recorder's office.

ARTICLE 2 ZONING PROCEDURE

- Sec. 41. Hearings.
- Sec. 42. Applications.
- Sec. 43. Fees.
- Sec. 44. Posting and publication.
- Sec. 45. Notice by mail.
- Sec. 46. Ruling of commission—Appeal.
- Sec. 47. Stipulations.
- Sec. 47.1. Change in conditions—Modification or waiver of stipulations.
- Sec. 48. Time limit—Reversion.
- Sec. 49. Building permits—Proceedings pending.

SEC. 41. Hearings. The City Planning Commission shall consider and hold hearings on proposed changes in the classification of the use to which property in the city and county may be put, and the establishment or changing of building set-back lines, in either case, on its own motion or on the application of an interested property owner.

SEC. 42. Applications. The petition for rezoning or for the establishment or change of building set-back lines shall be addressed to the City Planning Commission, and it shall contain a description of the property sought to be reclassified or on which the building set-back lines are to be established or changed, and shall state the change desired and the particular use to which the applicant desires to put the property. The petition shall be signed and verified by the owner of the property or by his authorized agent. There shall be submitted therewith a map showing the boundaries of the area sought to be reclassified or on which building set-back lines are to be established or changed, and also showing each separate piece of property within a distance of three hundred (300) feet from the exterior boundaries of the area sought to be changed, and giving the Assessor's block and lot number of each separate piece of property and the name or names of the owner thereof. There shall also be included in said petition the names and addresses of all owners of property shown on said map, showing the particular lot or lots owned by each owner.

SEC. 43. Fees. Upon filing said petition for rezoning or for the establishment or change of building set-back lines the petitioner shall pay a fee of Thirty (\$30.00) Dollars for every block as delineated on the Assessor's Block Book wherein the property is sought to be rezoned or wherein the establishment or change of building set-back lines is requested.

SEC. 44. Posting and Publication. The City Planning Commission shall, at least twenty (20) days before hearing any petition to change the classification of the use to which property in the city and county may be put, or to establish or change building set-back lines on any property, cause to be conspicuously posted, throughout the area within three hundred (300) feet of the property sought to be reclassified or on which building set-back lines are to be established or changed, at

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not more than one hundred (100) feet in distance apart, but not less than six (6) in all, notices of intention to consider the motion or petition to change the zoning classification or building set-back lines of such property and the use to which said property may be put. Said notice shall be headed in conspicuous letters, not less than one (1) inch high, "Notice of Proposal to Change Zoning Classification or Set-Back Lines" (as the case may be) and shall state the nature of the change desired and the place, date and hour set for hearing thereon. The Commission shall also, not less than twenty (20) days prior to said hearing, cause to be published at least once in the official newspaper, notice of the time and place of said hearing.

SEC. 45. Notice by Mail. The City Planning Commission shall also, not less than ten (10) days prior to said hearing, mail notices of said hearing to the applicants for the proposed change of zone or set-back lines, and all persons whose names and addresses are shown as being owners of property within three hundred (300) feet of all exterior boundaries of the property sought to be reclassified or on which the building set-back lines are sought to be established or changed, and the Clerk of said Commission shall file with the Commission an affidavit to the effect that all such notices have been duly mailed.

SEC. 46. Ruling of Commission—Appeal. Upon the completion of the hearing of any proposed change, the City Planning Commission shall, by resolution, approve or disapprove the proposed change, which if approved, shall not become effective for thirty (30) days. Notice of the action of the Commission shall be mailed to the applicant by the City Planning Commission. Property owners affected may appeal to the Board of Supervisors from any ruling of the City Planning Commission by filing protests in writing against such ruling with said Board of Supervisors within thirty (30) days of the date of the City Planning Commission's resolution thereon, which protests shall state the reason therefor and shall designate the location of the property owned by the protestant or protestants by the Assessor's block and lot number and the Post Office address of each protestant. Such appeal shall be sent to the City Engineer for checking, and he shall inform the Board of Supervisors as to the percentage of property delineated upon the map mentioned in Section 42 of this Article, the owners of which have joined in said protest or appeal.

SEC. 47. Stipulations. The City Planning Commission, in acting on any application for reclassification of property or for the establishment or change of building set-back lines, may accept stipulations in writing from the applicant or applicants should said requested reclassification or change be granted, as to the character of the improvements which will be placed on said property. Said stipulation shall be filed with the Commission, and any change in classification or set-back lines affecting said property may be made contingent upon the conditions contained on said stipulations being observed by the applicant or applicants or by his or their successors in interest, and said conditions shall be included in any resolution or order reclassifying said property or changing set-back lines thereon, and said reclassification or change shall at all times be and remain contingent upon the observance of said conditions, and no improvements shall be constructed thereon in violation of said conditions.

SEC. 47.1. Change in Conditions—Modification or Waiver of Stipulations. The City Planning Commission may receive applications subject to the same regulations and procedures as those which apply to proceedings to change zoning classifications and for special variances, to modify or waive any condition contained in a stipulation accepted under the provisions of Section 47 of this Code. After public hearing the City Planning Commission may modify or waive any such condition or conditions contained in any such stipulation, if it finds (1) that the proposed modification or waiver will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity, and (2) that the proposed modification or waiver is necessary to avoid practical difficulties or unnecessary hardship, or to preserve a substantial property right of the applicant intended to be granted by the reclassification as originally stipulated, and (3) that the proposed modification or waiver will be consistent with the purposes of the City Planning Code. The City Planning Commission shall not consider more than one such application pertaining to the same original reclassification within an elapsed time of one year.

SEC. 48. Time Limit—Reversion. The City Planning Commission, in reclassifying any property or changing or establishing building set-back lines thereon, shall

provide in any resolution or order reclassifying said property, or changing said set-back lines thereon, that said property so reclassified or changed shall be used for the purposes for which it was reclassified or changed, within a specified period of time, and that the failure to use the same for said purposes shall cause said property to revert to the zone or classification from which it was changed.

SEC. 49. Building Permits—Proceedings Pending. No application for a building permit shall be approved by the City Planning Commission on any property on which proceedings are pending for a reclassification of the same or for the establishment or change of building set-back lines thereon.

ARTICLE 3 BUILDING SET-BACK LINES

Sec. 75. Definitions.

- (a) Street.
- (b) Structure.

Sec. 83. Buildings between set-back lines and streets prohibited.

Sec. 84. Garages.

Sec. 85. Penalty.

SEC. 75. Definitions. (a) Street. Wherever the word "street" occurs in Sections 83 and 84 of this Article it shall be held to include all streets, avenues, boulevards, highways or other public ways in the City and County of San Francisco, which have been or may hereafter be dedicated and open to public use.

(b) Structure. The word "structure" as used in Sections 83 and 84 of this Article shall not be deemed to include any coping, a fence not higher than three (3) feet, retaining wall, walk or stairway leading to a building.

SEC. 83. Buildings Between Set-Back Lines and Streets Prohibited. From and after the taking effect of such ordinance establishing any set-back line or lines, it shall be unlawful for any person, firm or corporation to construct or place any building, wall, fence or other structure, provided however, a bay window not more than fifteen (15) feet wide and projecting not more than two (2) feet over said set-back line may be erected, within the space between a street line and the set-back line so established, and the Central Permit Bureau shall refuse to issue any permit for any building or structure to be erected or placed on such space.

SEC. 84. Garages. Where the average slope of the area between the street line and the established set-back line ascends from the street line and exceeds fifty (50%) per cent, a garage may be erected in such area, provided that the top of such garage does not extend above the level of the first floor of the building erected on the lot.

SEC. 85. Penalty. Any person, firm or corporation violating any of the provisions of any ordinance establishing any set-back line or lines, pursuant to Sections 75, 83 and 84 of this Article, shall be deemed guilty of a misdemeanor.

ARTICLE 4 GENERAL PROVISIONS

Sec. 99. Subdivisions.

- (a) New subdivisions—Lot areas.
- (b) New subdivisions—Lot coverage.
- (c) Resubdivision.
- (d) Corner lots—First Residential Districts.
- (e) Corner lots in other than First Residential Districts.
- (f) Lots now of record excepted.
- (g) Variances.

Sec. 100. Building permits.

Sec. 101. Interpretation—Purpose.

Sec. 102. Enforcement.

SEC. 99. Subdivisions. (a) **New Subdivisions—Lot Areas.** In all areas hereafter subdivided, where a subdivision map is to be filed for approval, all lot lines shall be shown on said map. Every such lot shall have an area of not less than 2640 square feet,

and a width not less than 33 feet, or such greater width as may be required to conform to the pattern established by residential development of the immediately adjacent area, as determined by the City Planning Commission. No subdivision shall be approved which contains lots smaller than required by this section, unless a variance has first been granted as provided in sub-paragraph (g) of this section.

(b) **New Subdivisions—Lot Coverage.** No dwelling shall be constructed upon a lot in a new subdivision for which a map has been approved in accordance with the provisions of this section, which will cover more than 65 per cent of the lot area, or which provides for an open rear yard less than 25 feet in depth. The provision of open spaces between dwellings on adjacent lots is optional, but where such side yards are provided, the distance between dwellings shall be not less than 8 feet.

(c) **Resubdivision.** Except as provided in Subdivisions (d) and (e) hereof, in any area previously subdivided no lot or land unit shall be established and indicated upon a map or maps filed for record which has an area less than 2500 square feet, or a width less than 25 feet, and no dwelling or portion of a building to be used for dwelling purposes shall be constructed upon any such lot which will cover more than 65 per cent of the lot area or which will extend within 15 feet of the rear lot line.

(d) **Corner Lots—First Residential Districts.** In any area previously subdivided in a First Residential District, the area lying within 100 feet of the corner of a block, measured along each street from such corner, can be resubdivided into lots having a minimum width of 25 feet and a minimum depth of 70 feet; provided, however, that where the City Planning Commission finds that existing conditions do not permit the establishment of the minimum depth of 70 feet such areas can be resubdivided into lots having a street frontage of not less than 25 feet and an area of not less than 1437.5 square feet. No building shall be constructed upon any such lot which will cover more than 75 per cent of the lot area, or which provides for an open rear yard less than 15 feet in depth.

(e) **Corner Lots in Other Than First Residential Districts.** In any area previously subdivided in a Second Residential District or in any less Restricted District, the area lying within 100 feet of the corner of a block, measured along each street from such corner, may be resubdivided into lots having a minimum width of 25 feet and a minimum area of 1437.5 square feet. No dwelling or portion of a building to be used for dwelling purposes shall be constructed upon any such lot which provides an open rear yard of a depth of less than set forth in the table given in Section 15862 of Article II, Chapter 7 of the California State Housing Act. Such rear yard shall be required to be unoccupied only above the level of the lowest floor to be used for residence purposes.

(f) **Lots Now of Record Excepted.** Wherever a map showing subdivided lots is of record in the office of the Recorder or the office of the Assessor at the time of the enactment of this section (December 26, 1946) any lot as shown having dimensions less than those required by this section may, nevertheless, be used as the site for a dwelling, provided that the requirements as to coverage and rear yards of Subdivision (d) shall apply thereto.

(g) **Variances.** The City Planning Commission may, upon application, grant variances from any of the provisions of this section, after public notice and hearings, if it is of the opinion that special circumstances exist in the particular case, and that unnecessary hardship would result from the strict interpretation and enforcement of such provision. The procedure governing such applications and the granting or denial of such variances, shall be the same as that prescribed by ordinance for zoning changes.

SEC. 100. Building Permits. Building permits for the erection or alteration of any building or structure, shall be issued by the Central Permit Bureau only after approval by the Bureau of Building Inspection, the Division of Fire Prevention and Investigation and the City Planning Commission and shall not be issued contrary to the provisions of Sections 1 to 14, inclusive, of Article 1 or Section 99 of Article 4 of this Chapter.

Each application for a building permit hereafter filed with the Central Permit Bureau shall be accompanied by a statement as to the use of the building to be constructed or altered on blanks to be furnished by the Central Permit Bureau. On each application there shall be shown an accurate block plan of the location of the building on the lot drawn to a scale of sixteen (16) feet to one (1) inch.

SEC. 101. Interpretation—Purpose. In interpreting and applying the provisions of Sections 1 to 14, inclusive, of Article 1 of this Chapter and Sections 99 and 100 of this Article, they shall be held to be the minimum requirements adopted

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for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by Sections 1 to 14, inclusive, of Article 1 of this Chapter and Sections 99 and 100 of this Article to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; nor is it intended by Sections 1 to 14, inclusive, of Article 1, of this Chapter and Sections 99 and 100 of this Article to interfere with or abrogate or annul any easement, covenant or other agreements between parties; provided, however, that where Sections 1 to 14, inclusive, of Article 1, of this Chapter and Sections 99 and 100 of this Article imposes a greater restriction upon the use of buildings or premises than is imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits or by such easements, covenants or agreements, the provisions of Sections 1 to 14, inclusive, of Article 1, of this Chapter and Sections 99 and 100 of this Article shall control.

SEC. 102. Enforcement. It shall be the duty of the Department of Public Works, Department of Public Health, Police Department, Fire Department and Department of Electricity to enforce the provisions of Sections 1 to 14, inclusive, of Article 1, of this Chapter and Sections 99 and 100 of this Article.

ARTICLE 4.5

OFF-STREET PARKING REGULATIONS

Sec. 111. Interpretation—Purposes.

Sec. 112. Definitions.

- (a) Dwelling.
- (b) Dwelling unit.
- (c) Family.
- (d) Off-street parking space.

Sec. 113. Off-street parking spaces required.

Sec. 114. Variances.

Sec. 115. Enforcement.

SEC. 111. Interpretation—Purposes. The interpretation and application of the provisions of this Article shall be made in the light of a good faith attempt on the part of the Board of Supervisors to take a step toward relieving traffic congestion and to enhance the public safety, convenience and welfare by requiring ample parking facilities in connection with dwelling units hereafter constructed.

SEC. 112. Definitions. For the purpose of this Article, the following terms, phrases, words, and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense shall include the future, words in the plural number include the singular, and words in the singular number include the plural number. The word "building" shall include "structure," and the word "shall" is meant to be mandatory and not merely directory.

(a) **Dwelling.** The word "dwelling" means a building, or portion thereof, containing one or more dwelling units.

(b) **Dwelling Unit.** The words "dwelling unit" mean a room or suite of rooms that is designed for, or is occupied by, one family doing its own cooking therein and having only one kitchen.

(c) **Family.** The word "family" means one or more persons occupying the premises and living therein as a single and separate housekeeping unit. A group occupying a boarding house, fraternity, club, or hotel shall not be deemed to be a family as the term is used in defining a dwelling unit.

(d) **Off-Street Parking Space.** The words "off-street parking space" mean an off-street area within the building housing the dwelling unit, or on the lot where the building is located, not less than one hundred sixty (160) square feet in area, net, exclusive of access or maneuvering area, or ramps, columns, or the like, to be used exclusively as a temporary storage space for one private motor vehicle. Each required parking space shall be of usable shape, independently accessible and properly maintained.

SEC. 113. Off-Street Parking Spaces Required. The number of off-street parking spaces required for dwelling units hereafter constructed in the City and County of San Francisco shall be one off-street parking space for each dwelling unit.

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SEC. 114. Variances. The City Planning Commission may, upon application, grant variances from any of the provisions of Section 113 of this Article, after public notice and hearings, if it is of the opinion that special circumstances exist in the particular case, and that unnecessary hardship would result from the strict interpretation and enforcement of such provisions. The procedure governing such applications and the granting or denial of such variances, and appeals therefrom, shall be the same as that provided by Article 2 of the City Planning Code and Section 117 of the Charter relating to zoning procedure.

SEC. 115. Enforcement. It shall be the duty of the Department of Public Works to enforce the provisions of this Article in connection with all permits issued by said department with regard to all dwelling units hereafter constructed.

ARTICLE 5 MISCELLANEOUS PROVISIONS

Sec. 125. Establishment of carpet beating works, etc., within certain limits prohibited.

Sec. 130. Maintenance of brick kilns in certain limits prohibited.

Sec. 135. Maintenance of slaughter houses and slaughtering of cattle regulated.

Sec. 140. Establishments for rendering or reducing of animal or vegetable substances within certain limits prohibited.

Sec. 141. Rendering, etc., regulated.

Sec. 146. Establishment, maintenance or use of rock crushing machines within certain limits prohibited.

Sec. 147. Penalty.

SEC. 125. Establishment of Carpet Beating Works, Etc., Within Certain Limits Prohibited. It shall be unlawful for any person, firm or corporation to erect or establish any carpet beating works, tannery or shoddy mill within the following described limits of this city and county, to wit:

Commencing at a point where Channel street intersects the water front line at the northern extremity of China Basin; thence running northerly, northwesterly and westerly along the established water front line to the eastern line of the Presidio reservation; thence southerly along the easterly line of the Presidio reservation to the southerly line of the Presidio reservation; thence westerly along said southerly line of the Presidio reservation to the shore line of the Pacific Ocean; thence westerly and southerly along the shore line of the Pacific Ocean to the western extremity of Ocean avenue; thence easterly along Ocean avenue to Mission street; thence northeasterly and northerly along Mission street to Twenty-sixth street; thence easterly along Twenty-sixth street if produced to a point where said street would intersect Potrero avenue if produced in a southerly direction. Commencing at a point formed by the intersection of Army street with San Bruno avenue; thence northerly along San Bruno avenue to Twenty-fifth street; thence easterly along Twenty-fifth street to Wisconsin street; thence northerly along Wisconsin street to Eighteenth street to Potrero avenue; thence northerly along Potrero avenue to Division street; thence easterly along Division street to Channel street; thence northeasterly along Channel street to the waters of the bay and the point of commencement.

SEC. 130. Maintenance of Brick Kilns in Certain Limits Prohibited. It shall be unlawful for any person, firm or corporation to build or cause to be built, to establish or maintain, or cause to be established or maintained, any brick kiln, or to burn or cause to be burned, any brick within that portion of the city and county bounded by Steiner, Sanchez, Market and Seventeenth streets, Corbett and Ocean House roads (avenue), Bellevue, Thirteenth and Mission streets, Serpentine avenue, York, Twenty-fifth and Yolo streets and the waters of the bay.

SEC. 135. Maintenance of Slaughter Houses and Slaughtering of Cattle Regulated. It shall be unlawful for any person, firm or corporation to establish or maintain any slaughter house or to slaughter cattle, hogs, calves, sheep or other animals within the city and county, except within that tract of land bounded and described as follows: Commencing at the point of intersection of the easterly line of Third street with the southwesterly line of Arthur avenue, and running thence southeasterly along said southwesterly line of Arthur avenue to the northwesterly

line of Ingalls street; thence southwesterly along said northwesterly line of Ingalls street to the southwesterly line of Galvez avenue; thence northwesterly along the said southwesterly line of Galvez avenue to the southeasterly line of Third street; thence northeasterly along said southeasterly line of Third street to the said easterly line of Third street; thence northerly along said easterly line of Third street to said southwesterly line of Arthur avenue and to the point of commencement.

SEC. 140. Establishments for Rendering or Reducing of Animal or Vegetable Substances Within Certain Limits Prohibited. It shall be unlawful for any person, firm or corporation to maintain or operate any establishment for the rendering or reducing of tallow or other animal or vegetable substance or to carry on or conduct the business of rendering or reducing the same within the city and county, except within that certain tract of land bounded and described as follows: Commencing at the intersection of the easterly line of Third street with the southwesterly line of Arthur avenue, and running thence southeasterly along said southwesterly line of Arthur avenue to the northwesterly line of Ingalls street; thence southwesterly along said northwesterly line of Ingalls street south to the bay shore; thence westerly along the line of the bay shore to the southeasterly line of Third street; thence northeasterly along said southeasterly line of Third street to the easterly line of Third street; thence northerly along said easterly line of Third street to said southwesterly line of Arthur avenue and to the point of commencement.

SEC. 141. Rendering, Etc., Regulated. The rendering, reducing, heating or steaming of any animal or vegetable substance generating noisome or unwholesome odors as gaseous vapors must be conducted in steam-tight kettles, tanks or boilers and in such manner as shall entirely condense, decompose, deodorize or destroy the odors, vapors or gaseous products.

SEC. 146. Establishment, Maintenance or Use of Rock Crushing Machines Within Certain Limits Prohibited. No person, company or association shall establish, maintain or use any rock crushing machine operated by steam, gas, electric, vapor or other motive power, within that portion of the City and County of San Francisco bounded as follows:

"By The Embarcadero, Van Ness avenue, Bay street, Laguna street, Lewis street, Lyon street, southerly and westerly boundaries of the Presidio, the Pacific Ocean from the Presidio to the intersection of the Great Highway and Lincoln way, Lincoln way, Arguello boulevard, Frederick street, Masonic avenue, Roosevelt way, Fifteenth street, Castro street, Seventeenth street, Douglass street, Romain street, Burnett avenue, Surrey street, Detroit street, Joost avenue, Circular avenue, Diamond street, Chenery street, Thirtieth street, San Jose avenue, Army street, York street, Twenty-fifth street, Potrero avenue, Brannan street."

SEC. 147. Penalty. Any person, company or association violating the provisions of Section 146 of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined a sum not exceeding Five Hundred (\$500.00) Dollars nor less than Twenty-five (\$25.00) Dollars, or by imprisonment in the County Jail of said City and County of San Francisco for a term not exceeding six (6) months nor less than three (3) days or both such fine and imprisonment.

ARTICLE 6 QUARRYING

Sec. 150. Quarrying.

(a) Definition.

(b) City Planning Commission authorization required.

Sec. 151. Application for authorization.

Sec. 152. Filing fees.

Sec. 153. Public hearing.

Sec. 154. Determination.

Sec. 155. Conditions.

Sec. 156. Extension of time.

Sec. 157. Effect on existing quarries.

Sec. 158. Appeal.

SEC. 150. Quarrying. (a) **Definition.** Quarry. The term "quarry" as used in this Article is hereby defined to mean any premises from which any rock, sand, gravel,

stone, earth, topsoil, or mineral is removed or excavated with the use of power equipment for the purpose of disposition away from the immediate premises whether such disposition is immediate or in the future; provided, however, that this shall not include excavation necessary for the construction of any building for which a building permit has been duly issued, nor excavation which is all or part of a grading operation necessary to bring the contours of a proposed land subdivision to the grades shown on a tentative subdivision plan which has been officially approved.

(b) **Planning Commission Authorization Required.** It shall be unlawful for any person to commence or proceed to operate a quarry within the limits of the City and County of San Francisco without first having obtained a conditional use authorization from the City Planning Commission.

SEC. 151. Application for Authorization. An application for a conditional use authorization for the operation of a quarry, verified by the owner or authorized agent of the owner, shall be filed in the office of the Department of City Planning upon forms prescribed by the Department therefor, which shall contain or be accompanied by all information required to assure as nearly as possible the presentation of all pertinent facts for the permanent record. The following information and maps or drawings shall be submitted in duplicate with the application for a conditional use authorization:

1. Copies of all maps and information required to be submitted to the Central Permit Bureau in connection with an application for a permit to operate a quarry, as set forth in Section 310 of the Building Code.

2. The Assessor's Block and Lot Number of each separate parcel within three hundred (300) feet of the exterior boundaries of the property on which the quarry is, or is proposed to be located, together with a list in duplicate of the names and addresses of the last known owners of the above specified parcels insofar as they are of public record.

3. A contour map if required by the City Planning Commission.

SEC. 152. Filing Fees. Before accepting for filing any application for a conditional use authorization for the operation of a quarry, the Department of City Planning shall charge and collect a fee of One Hundred (\$100.00) Dollars.

SEC. 153. Public Hearing. Upon receipt of a verified application as required in Section 151 of this Article the Department of City Planning shall set a reasonable time and place for a public hearing thereon by the City Planning Commission and shall give notice of time, place, and purpose of such hearing by:

1. Mailing notice, not less than twenty (20) days prior to the date thereof, to the applicant and to the owners of all property within three hundred (300) feet of the exterior boundaries of the subject property, using for this purpose the names and addresses of last known owners as shown on the records of the assessor as furnished by the applicant, and

2. Publication at least once in a newspaper of general circulation in the city, not less than twenty (20) days prior to said date of hearing.

SEC. 154. Determination. After the public hearing thereon, the City Planning Commission may authorize the operation of a quarry as a conditional use for a period not in excess of five (5) years if the evidence presented indicates:

1. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity, and

2. That such use will comply with the regulations and conditions specified by ordinance for such use.

SEC. 155. Conditions. When authorizing the operation of a quarry as a conditional use as provided herein, the City Planning Commission shall prescribe such conditions as are necessary to secure the objectives of this Article as stated in Section 154 of this Article. The violation of any conditions so imposed shall constitute grounds whereby the City Planning Commission may revoke its authorization for the operation of a quarry.

SEC. 156. Extension of Time. Renewal of a conditional use authorization for the operation of a quarry shall require a new application and shall be subject to the same procedures as those governing approval of the original application; except that if no change has been made, the original maps, drawings, and other factual information required by Section 151 may be included in the renewal application by reference. Upon investigation by the Department of City Planning, if no change has been made in any of the factors pertaining to the renewal application, the requirements of Section 153 providing for a public hearing shall be waived.

SEC. 157. **Effect on Existing Quarries.** Quarries in operation upon the date of enactment of this Article (*March 10, 1954*) shall not become subject to the provisions of this Article until two years from said date. In reviewing any application for a conditional use authorization for the continuation of any such quarry, the City Planning Commission shall take into consideration any contractual commitments made prior to the date of this Article. (*Numerical date shown not part of original ordinance.*)

SEC. 158. **Appeal.** Whenever any application for a conditional use authorization for the operation of a quarry is acted upon by the City Planning Commission, such action shall be final except upon the filing within a period of thirty (30) days from the date of such action of a written appeal to the Board of Supervisors by the applicant or any property owner affected by such action. No action of the Commission so appealed shall become effective unless and until it is approved by the Board of Supervisors. The Board of Supervisors shall fix a time and a place for hearing such appeal which shall be not less than ten (10) or more than thirty (30) days after such filing and must decide thereon within ninety (90) days of the start of such hearing. In acting upon such appeal, the Supervisors, by vote of not less than two-thirds ($\frac{2}{3}$) of all members, may disapprove the action of the Commission. Failure to so disapprove the action of the City Planning Commission within the time limit specified shall be deemed approval thereof by the Board of Supervisors. If the appeal is from an action of the City Planning Commission denying an authorization, the Board of Supervisors shall have the power, in disapproving the action of the Commission, to grant the conditional use authorization and to prescribe such conditions as are necessary to secure the objective stated in Section 154 of this Article. In case of disapproval by the Commission or by the Supervisors on appeal, an application for a conditional use authorization for the operation of a quarry may not be resubmitted to or reconsidered by the Commission for at least one year.